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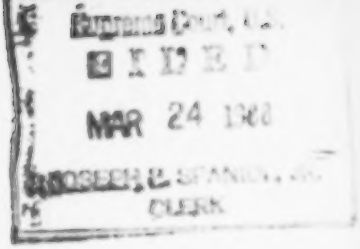

No.

In The

Supreme Court of the United States

October Term, 1987

ARTHUR D. GEORGE,

Petitioner,

v

MICHIGAN DEPARTMENT OF NATURAL RESOURCES, et al.,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE MICHIGAN SUPREME COURT

BRIEF FOR PETITIONER

Arthur D. George, Pro-se
4719 George Road
Petoskey, Michigan 49770
616/347-7505

No Attorney for Petitioner

No.

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PETITION FOR WRIT OF CERTIORARI TO THE MICHIGAN SUPREME COURT

_____

TO THE HONORABLE — THE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES

_____

The petitioner Arthur D. George Respectfully prays that a Writ of Certiorari Issue to Review the Judgement of Michigan Supreme Court and the Lower Courts.

_____

Arthur D. George, Pro-se
4719 George Rd.
Petoskey, Michigan 49770
616/347-7505

No Attorney for Petitioner

IV

Whether this is the start of the Writ of Certiorari to United States Supreme Court?

Whether the Evidence - the testimony - Records and Brutal Attack on a Citizen who dared to expose this Injustice, and Corruption.

Not all the Evidence was exposed in this Restraining order hearing on Dec. 14th, 1981 in Antrim County Circuit Court - But enough to make this Citizen a wanted man - who had to be stopped.

The exact exposure that could of Been revealed was later exposed in my Request to our Attorney General, - Presented and requested by U.S. Senator Carl Levin and State Senator Mitch Irwin. Read Appendix "A" Opinion of Michigan Attorney General dated Dec. 23, 1985 Opinion No. 6333.

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OPINION'S OF THE COURT BELOW

This Citizen is Pro-se has had trouble complying with this Courts Rules, and a proper Writ of Certiorari.

With this Courts consideration for Justice, This Old Citizen will keep on trying and Pray that this Writ is excepted.

Antrim County District Court 87th at Bellaire, Mi. on June 14th, 1983 the charge of attempt to foul hook a Salmon was heard before a Jury - and Convicted. Case No. 82-7793-D-C-M.

This Verdict was Appealed to Antrim Circuit Court.

Judge Brown of Antrim Circuit Court denied the Appeal - Claiming Defendant in Pro-se did not meet the Requirements of Appeal. After over a year delay the Court advised the Appeal had been dismissed.

My Request to the Court to Amend this Appeal was denied by no response to my pleadings.

Antrim County Circuit Court, on Sept. 27th, 1984 trial, was held by Jury in Antrim Circuit Court with a Verdict of Guilty on Obstructing and Resisting. File No. 82-2041-FY on Dec. 21, 1984, Defendant was fined $300.00 and $300.00 Court Cost - See Appendix #C Denied the Privilege to hunt or fish for two years - Demand to remove all Guns from Defendants home.

Hunting Guns and an Antique Collection worth thousands of dollars.

This Case was Appealed as of Right on April 2, 1986 The Court of Appeal Ruled upholding the Lower Court.

Their was a mistake in Mailing of this Opinion, and it left only 4 days to Appeal.

I explained to the Court with a Statement from the Postmaster.

The court saw the Injustice and suggested a Request for a New Trial in Antrim Circuit Court.

The Lower Court denied a New trial and as suggested I Appealed Denial.

The Court of Appeals again Refused to Consider the New Evidence and denial of Witnesses for defence.

The Court of Appeals Opinion - Appealed to the Michigan Supreme Court.

Supreme Court Refused to consider and upheld the Court of Appeals "see" Appendix #' B and delayed application and motion for Reconsideration.

The Supreme Court was requested for Reconsideration and on Sept. 28, 1987 was denied again.

Requested to Appeal to the United States Supreme Court and was granted.

Two Civil Suits - one in Antrim Circuit Court, and one in the Court of Claims has denied trial by Jury - Ruled an Dismissed - by Judge alone.

These two Civil Suits - the one in Antrim Circuit Court named three D.N.R. Officers Defendants who were directly Responsible for the Arrest - Detention - taken to Jail - and the Brutal Beating before the Arrest. Was delayed two years without Due Process then dismissed by a Mediation Panel.

AT A SESSION OF THE SUPREME COURT OF THE STATE OF MICHIGAN, Held at the Supreme Court Room, in the City of Lansing, on the 28th day of September in the year of our Lord one thousand nine hundred and eighty-seven.

Present the Honorable,
DOROTHY COMSTOCK RILEY,
Chief Justice
CHARLES L. LEVIN
JAMES H. BRICKLEY,
MICHAEL F. CAVANAGH,
PATRICIA J. BOYLE,
DENNIS W. ARCHER,
ROBERT P. GRIFFIN,
Associate Justices

80945

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ARTHUR DORWIN GEORGE,

Defendant-Appellant.

SC: 80945
CoA: 95691
LC: 82-2041-FY

On order of the Court, the delayed application in propria persona for leave to appeal is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

AT A SESSION OF THE COURT OF APPEALS OF THE STATE OF MICHIGAN, Held at the Court of Appeals in the City of Detroit, on the 2nd day of April in the year of our Lord one thousand nine hundred and eighty-seven.

Present the Honorable

Richard M. Maher
Presiding Judge

John H. Gillis
Myron H. Wahls
Judges

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

-v-

ARTHUR DORWIN GEORGE,

Defendant-Appellant.

No. 95691
L.C. No. 82-2041-FY

//

In this cause an application for leave to appeal is filed by defendant-appellant, and an answer in opposition thereto having been filed, and due consideration thereof having been had by the Court.

IT IS ORDERED that the application be, and the same is hereby DENIED for lack of merit in the grounds presented.

JURISDICTIONAL STATEMENT

Was the Court and the Judges within their Judiciary Power to Consolidate two Civil Suits?

One in Antrim Circuit Court that names three D.N.R. Officers as Defendants alleging Illegal Arrest - False Imprisonment and Police Brutality on a 78 year old Citizen. The effects that has taken its toll and Medical Records claim that they cannot be corrected.

This Civil Action was filed on Aug 8th, 1984, Case No. 84-9488-NO, layed in limbo for over 2 years with no action, or Due Process of Law by a Bias Judge who had Ruled in the Criminal Case of Resisting and Obstructing these Defendants D.N.R. Officers.

Was this Judge within his Judicial Powers to set in Judgement on this Civil Suit?

As a person in Pro-se, If I am properly advised a Judge is barred to hear a Civil Suit of the same Issue.

Was Judge Brown in Violation of his Canons to Refuse to step a side?

. Did Judge Brown prove he was Bias when he denied Witnesses to testify in my defence that deprived the Jury, the Press, Court of Appeals and Michigan Supreme Court of Police Brutality evidence?

Was Judge Brown within his Judicial Power when he used his Influence to appoint three Attorneys to impanel a Mediation hearing? Was the Mediation panel within their Judicial power when they were advised that in no way this case could be Mediated. It involved Civil Rights and denied this Citizen of Constitutional Rights of Trial by Jury.

Was the: Judge Bias when he Dismissed this Case on a technical Issue that this Citizen failed to advise the Court with the same Message I gave the Panel?

"Note" Appendix No. E of the Judgement - no day - no date - the name of the Judge who took no part in any Litigation.

Is this proper Court procedure? Is it proper Jurisdictional procedure for two Judges, one in Antrim Circuit Court and a Judge in the Court of Claims to the Consolidation of two Civil Suits. When it became known that Case No. 84-3578 NO in Antrim Circuit Court was going to be dismissed by a Mediation Panel?

. This Case in the court of Claims is a Civil Suit naming the D.N.R. and Its Co partners Tempotech Inc. Conspiracy to defraud the State of Michigan and Libel for the three D.N.R. Officers' conduct in the false Arrest and Police Brutality on Sept. 26th, 1982.

Case No. 84-9488-NO was filed on Aug. 8th, 1984. The Court of Claims Act MCL 600.6401 etc. M.S.A. 27A.6401 is Vested with exclusive Jurisdiction to hear and determine all Claims

and demands against the State, and any of its Departments or Agencies.

This is the Court that a Citizen has to file a Civil Suit against the State.

This Court is Governed by a Judge, I was informed their is no Jury trial.

The question this Citizen has pondered, Is this Court in Violation of Amendment -VII- the Right of trial by Jury shall be Preserved? If the Controversy exceeds $20.00.

What would the proper name be for this type of Justice. If these two Courts and Judge's could of executed this Consolidation as the Records show "see" Appendix No. E

This Civil Suit Case No. 84-9488-NO in the Court of Claims, Filed on Aug. 8, 1984 layed in this Court for over three years with no due process of Law except two non-recorded Pre-trial hearings.

After the attempt to dismiss this Case in Antrim Circuit Court, Judge Giddings Dismissed it on a Ruling of Government Immunity.

The Big Question before the United States Supreme Court is this denial of Constitutional Amendments? A Dept. of State and Its Illegal Co partners Tempotech Inc., who our Attorney General Investigated and found them guilty of Corruption and Conspiracy - escapes the exposure of Conspiracy to punish a Citizen by 11 of their Police Officers on Sept. 26th, 1982.?

Is this Dept. of State so powerful, It governs our Courts to extent that they cannot be exposed by Jury trial?

Was the Michigan Court of Appeals performing the functions that it was Created for?

To Review the Lower Courts Opinion?

To Correct any Judicial Errors?

To uphold our constitutional Amendments? If Violated in the Lower Courts?

To Read all the Pleadings - Transcripts - Court Summons or Complaints?

1 If the Court of Appeals had of Performed their Duties.

2 Did they find Probable cause for Arrest? Did they find Unlawful detention of an hours time by blocking our Exit with two D.N.R. trucks?

3 Did they find any Law's that had been Violated?

4 Did they find that Lawful fishing gear had been Confiscated that had never been used to catch a fish Lawful or Unlawful?

5 Did they consider the tampering and changing of Court Records of Confiscated fishing Rods and Reels. That the Lower Courts Refused to Correct? With positive Court Records to Compare and Prove?

6 Did they consider and Correct on the Reconsideration of a New Trial they advised to be made to the Antrim Circuit Court?

7 Did they Refuse to consider the following fact of Constitutional Amendments that was Committed by the Lower Courts?

8 The Denial of Witnesses to testify before the Jury of the Police Brutality - while Unlawfully detained for over an hour after a citizen had accepted a Court Appearance Summons for the Violation of a Misdemeanor?

9 If they Read the transcripts? Did they Condone and uphold the Lower Court when It denied two Eye Witnesses of the Brutal Attack, a Brother and Sister, that cost over $ 700.00

to fly from Arizona to testify?

#10 Did they check Antrim Circuit Courts Records as requested and find where this Citizen had never been charged - no Complaint - No Arrest or notification in any Legal way of the Criminal Charge of resisting a D.N.R. Officer?

#11 Did they consider the proper Jurisdictional Requirement of notification to a Felony Charge was to read about it in the Local News Paper, 10 days to two weeks after the Issue was supposed to have happened?

#12 Was a Citizen's VI Amendment Violated, and corrected in the Court of Appeals when the Lower Court Refused to produce Records and Proof of Service that this Citizen had never been informed of the Nature and cause of the Accusation, and to be confronted by Witnesses in his defence?

#13 If the Court of Appeals Read the Trascripts, did they find any Testimony, or

Evidence presented to the Court and Jury of Resisting?

#14 Is this Citizen entitled to his two hand crafted fly Rods and Reels and his two hand made land nets that is also used as a staff in fast water wading? That was Illegally Confiscated - That the D.N.R. refuses to Release - In Violation of the IV Amendment?

#15 Is this Citizen entitled to expose these Injustices before a fair and impartial Judge and Jury in a District that is not Controlled by Political pressure?

JUDICIAL STATEMENT

In order for Justice to prevail in this Jungle of Juridical errors from the 87th District Court - Both Circuit Courts, Antrim and the Court of Claims.

Two times to the Court of Appeals - Two times to the Mich. Supreme Court.

Where the Bottom line is, there never was a Law Violated - No Probable cause for Arrest - No Evidence or testimony ever presented to the Court or the Jury of Obstructing or Resisting an Officer.

This Old man became a wanted man from Dec. 14th, 1981 and the truth is he is more wanted today - then yesterday.

The first time in three years that I went Salmon fishing, I was picked out of 50 fishermen at the Lake St. Dam by one of the 11 Officers at the Arrest on the Jordan River. I was the only one he was interested in. I was given a Citation, or Court Summons, and it was

dismissed for lack of evidence. But the Harassment, and discriminating Demands of all D.N.R. Officers is a threat to a Citizens' well being and safety.

There should be a way to expose in our Courts. But if Judges' Rules - deny Trial by Jury, dismiss on any technical point that is available.

My Pleadings today are exactly what they have been for Six years. Give this Citizen his Trial by Jury in a fair and impartial Court.

JURISDICTIONAL STATEMENTS

One Statement of the Case that cannot be denied.

That this Citizen has been denied in all the Courts. Antrim Circuit Court, Mich. Court of Claims - United States District Court - United States Court of Appeals.

They All have denied trial by Jury. To question under Oath - Officials - Officers - Witnesses to expose the truths.

Its denial of the First Amendment to expose to make known the truths, has been in all my pleadings, and In Vain.

What is the cause behind this denial to grant this Citizen a trial by Jury in a fair and just Court?

Why has so many Judge's failed to follow the mandates of the Jurisdictional system? and the Cannon of his Office?

Why has so many used the Authority of their Courts to set in Judgement alone, and

deny trial by Jury?

It appears to a Citizen in Pro-se that all the Courts failed to follow Procedural Law, and deny Constitutional Rights.

It is all so evident that this powerful Dept. of State - An Administrative Dept. of State that by the Separation of Powers of Government who does not have the power to enact Legislation.

Has no more trouble in enacting Law then it does in its Political influence in some of our Courts.

Example of enactment of Laws Act 746 - 747 and Act 331 of Aug. 1986 that is proclaimed the fastest Legislation ever passed in the history of Mich.

When our Attorney General gave his Opinion #6333 on Dec. 23, 1985, that spelled out the Conspiracy between mich. Dept. of Natural Resources and their Co partners Tempotech Inc.

of weiring - harvesting - selling our Protected Game fish our Salmon for 15 years by the Millions and Millions of pounds per year.

Denying the People of sharing in this Great Natural Resource when they return to the Rivers to spawn and Die. Under the threat of Arrest and a $250.00 fine first offence. - Act 331 of Aug. 1986.

The Shameful - Arrogant - defiance for our Attorney General Opinion #6333 of Dec. 23, 1985.

This shameful exposure of Corruption and Violation of Act 230 of 1925 and Act 156 of 1929. The very Acts that empower the D.N.R. to Protect and enforce Equality in the sharing of our Protected Game fish for the people they had been selling for 2 1/2 cents per pound to their co partners for years.

This Shameful - Arrogant - Cocksure Attitude of this Powerful Dept. - who fears no

one, answers to no one.

Who's Director Ronald Skoog who proclaimed in all our News Media that the D.N.R. has enough clout in our Legislation to enact Legislation to make legal the Laws they had Violated. "Director Skoog" says Its in the making Right now and will have it all legal by Aug. 15th.

Powerful - How Powerful - Powerful enough to Brag - and then fulfil the Bragging.

The Cause and Effect that Constitutes this Writ took place on Dec. 14th, 1981 In Antrim County Circuit Court.

I as a concerned Citizen took it upon myself to Correct an injustice to the People of Michigan, and its fishermen in the form of an Injunction to stop the Mich. Dept. of Natural Resource and its Copartner Tempotech Inc.

Who had been harvesting and selling our Protected game fish for 10 years or more.

In Violation of Act 230 of 1925 and Act 165 of 1929 and in direct contrast to all the States and Canada that compose the Great Lakes Fisheries Commission.

Michigan is the only State that denies the fisherman to take its daily limit of fish when these Salmon come into the Rivers to spawn and die.

Tempotech Inc. with the power and Authority of the D.N.R. closed all Rivers that can be controlled by Weirs and closed the River to fishing under threat of Arrest.

This denies the poor and needy to use these Salmon for food. Other States and Canada encourage and make Rules for the people to enjoy and use this Natural Resource as God Created them for.

When the D.N.R. & Tempotech closed the Jordan River, used their special Police force to stop all fishing under threat of Arrest and the needy fisherman stood by, and saw a Dept of State take our Protected Game fish by the tons.

A Dept. of State whose duties are to protect those fish for the People.

I took it upon myself to expose this Conspiracy and filed an Injunction on Dec. 14th, 1981. A hearing was held in Antrim Circuit Court.

This injunction was dismissed without conclusion - From that day forth this Old Citizen became a wanted man. - Hounded by this powerful Dept. of State and Its own Police Force.

CONSTITUTIONAL AND STATUTORY PROVISIONS WHICH THE CASE INVOLVES.

Was their Probable Cause for Arrest by these D.N.R. officers who by their own testimony watched, and observed for over two hour's three fishermen fishing with legal equipment - fly Rods and Reels and Buck tail flies.

Where their was no fish Caught or Retained - no Laws Violated. Probable Cause for Arrest?

Was the Confiscation of this equipment Constitutional?

Was the Confiscation of two Landing nets that had never been used to land a fish either Legal or Illegal Constitutional?

Was the Detention of over an hour by blocking our exit with two trucks after these Officers had Issued us Misdemeanor Summon's to Court, Unlawful Detention?

Was the attempt to confiscate the third fly Rod and Reel long after Officer Crane had Issued tickets or Summons stating he had confiscated two fly Rods. Constitutional without recite of Confiscation? Amendment IV-

Was my VIII Amendment Violated when these D.N.R. Officers took it upon themselves to Brutally Beat and inflict Physical damages that Medical Science claim can never be corrected- Would this be unusual punishment?

Would the arrest after this Brutal Beating by Officer James Genc, and taken to Jail without Maranda Rights - and Commanded the Deputy Sheriff to lock me up without filing a Charge, or giving him any information as to why I should be locked up.

In Violation of Constitutional Rights?

Was the Deputy Sheriff within his Rights when he saw the Condition I was in, and gave me

three Aspirin and a Glass of water, asked and accepted $100.00 - for appearance, and sent me home?

The D.N.R. Claims he should of detained me.

Was the -VI- Amendment Violated? The right to be informed of the nature, and Cause of the Accusation.

Was the proper place to be informed of Resisting and Obstructing an Officer 10 days to two weeks after the Offence in your local News Paper?

Was the Constitutional Amendment Violated when I was Commanded to be in Court on this Charge - tried, and Convicted. When their never was a Warrant - Complaint, or Records of any kind ever served - no Records can be obtained from the Antrim Circuit Court? Or no proof of Service?

Was Constitutional Amendment -VI- Violated when the Accused was denied Witnesses to testify in his defense. Witness's, John Pepper and his Sister Connie Osborn, who were eye witnesses to the Actual Brutal Attack that cost over $700.00 to fly from Arizona, and was denied to speak one word of the Police Brutality.

John Pepper's testimony was taken out of the Presents of the Jury.

Was this same Rights Violated when my 15 year Old Grandson who came to his Grandpa's defence, and was grabbed, and held by Officer Pete Malette while Officer John Crane completed his Assault and Robert Crang, my fishing partner, was denied to tell, or speak one word of the Assault?

Was my Rights Violated when this same testimony was with held from, not only the Jury - But the Press - The Court of Appeals and the Mich. Supreme Court?

CONSTITUTIONAL AND STATUTORY PROVISIONS

Is their Constitutional Provisions that permit The Court of Claims when a Citizen is mandated to file Exclusively in this type of Circuit Court all Cases that Involves the State or its Dept's to Consolidate with another Court?

Does the Court of Claims who denied Due Process of Law for over two years with no progress have the Authority to dismiss its Litigation by Consolidation with Antrim Circuit Court who had found a way to dismiss Its Suit of Police Brutality with a Mediation Panel?

Is their a Constitutional Provision that demands all Litigation against the State to be filed in its Court exclusively.

Have the Authority to use Another Circuit Court Opinions to dismiss its Litigation?

To Save time and expense as Judge Giddings Quoted in his Opinion?

Is their any Statutory Provisions that gives this Bias Judge the right to dismiss his Litigation on Governmental Immunity after he had failed on Consolidation?

Without due consideration of Constitutional Amendments?

"See" Court Records and Opinions Listed under Appendix # D

Did Judge Brown Violate his Authority and my Constitutional Rights of the second Amendment when he used the Mandate of the Mich. Dept. of Natural Resource in his Opinion and Probation sentence of Denial to hunt or fish for two years and the Mandate to remove all Guns, hunting and a collection of Antique Guns worth thousands of dollars from our home?

Did Judge Brown after he had been Corrected by the State Administrative Office of Bias Judgement of Probation have the Authority to forbid the Probation Dept. to furnish me

with a full statement of his Probation Sentence?

Where the Mandate stipulated the Removal of all Guns from a Citizen's home?

If Judge Brown had the Constitutional Authority to forgive all the Penalty involved in the Conviction of Resisting and Obstructing a D.H.R. Officer.

Does he have the Authority to change the Verdict of the Jury who he denied to hear Evidence and Testimonies of Police Brutality?

"See" Court Records and Opinions listed under Appendix # C

REASON FOR GRANTING THE WRIT

If this Writ of Certiorari is not granted then this Old Great-Great Grandpa stands convicted as a Criminal on a Felony Charge that never existed.

In the 84 years I have never had one ounce of trouble with any Law Enforcement Dept. except the Michigan Dept. of Natural Resources. And I will continue to expose Corruption and Injustice that exists today.

I will continue to fight for Legislation to make this Dept. of State Controlled by Elected Officials that is answerable to the people.

This support and consensus is favored by all the States and Canada that compose the Great Lakes Fishery Commission.

If this Writ is not granted then this self destructing Dept of Law Enforcement will continue to destroy the freedom that this Great Country was founded on.

If this Writ is not granted then a Citizen is not safe in our Woods and Streams.

If you have the Courage to speak for Equality in our Natural Resources.

If D.N.R. Officers can misuse their Authority on others without exposure to the extent that a Citizen who has fought in All our Courts without exposing this Brutal Beating on a 78 year Old Citizen.

What I ask is the Chance for those who seek to enjoy a Natural Resource - that is Rightfully theirs.

But denied by this Powerful force, you cannot equal in our Courts of Justice?

If this Writ is not granted then the last chance to expose, the Brutal Beating that has left its Physical scars of health that cannot be corrected - never to be exposed.

This Powerful Dept. of State was successful in denying the Jury to hear, and see evidence and Witnesses testify to this Police Brutality.

The Civil suit filed in Antrim Circuit Court naming 3 of the 11 D.H.R. Officers who committed this Violation of Civil Rights of False Arrest and Imprisonment was dismissed by a Mediation Panel on a technical point.

The Civil suit I was forced to file in the Court of Claims naming the D.H.R. and its Co-partners Tempotech as Defendants was dismissed on Government Immunity - after this Court had tried and failed to have it dismissed by Consolidation of the Antrim Courts Mediation panel. After it had denied over three years of no progress - except two pre-trial unrecorded hearings.

The Rewards of Justice by a lone Citizen to expose Conspiracy of Millions each year and

the Denial to share in this Natural Resource of our Salmon under threat of Arrest to all the Citizens of our State. — Should be corrected, and granted a New Trial. - A Change Venue - and a Fair and Impartial Judge.

No Citizen can defend himself in a Hostile Court controlled by this Powerful Dept. of State known in Mich. as the 4th Power of Government.

No Citizen should be subjected to the Brutal Beating by Officers of the Law before or after Arrest, and then denied your Constitutional Rights to expose the truths to a fair and Impartial Jury.

What I ask is the Chance for those who seek to enjoy a Natural Resource - that is Rightfully theirs.

But denied by this Powerful force, you cannot equal in our Courts of Justice?

ARGUMENT # 1

The transcripts show at no time did the State present evidence or testimony that their was Resisting or Obstructing a D.N.R. Officer.

Except to protest Confiscating of Legal fishing gear that never had been Illegally used. Without Probable Cause for Arrest and fishing equipment never used in a Violation - no fish Caught or Retained by the D.N.R. Officers own Testimony. Was the Court bias in instructing the Jury that a fish Violation could be used as evidence of Obstructing and Resisting an Officer?

ARGUMENT # 2

Was the trial Court in error when they denied this Citizen to expose Police Brutality, and that the Resisting Charge was a Pretext to cover for the Assault?

ARGUMENT #3

Was the court of Appeals fair and just to up hold the Lower Court denying Defendant this Constitutional Kights of the VI Amendment to be Confronted with witnesses against him and witnesses in his favor?

To expose the Conduct of these Arresting Officers?

To make known to the Jury, and the Press. Police Brutality - with no Probable Cause for Arrest?

ARGUMENT # 4

Did the Lower Court and Court of Appeals Violate Constitutional Rights when they denied Connie Osborne and her Brother John Pepper to testify before the Jury. But took their testimony out of the presents of the Jury?

They testified how Officer John Crane was Mad, and out of Control when he grabbed and

threw me against the truck.

These Witnesses cost over #700.00 to fly from Arizona then were denied to expose what they saw.

ARGUMENT # 5

Can a Conviction Based upon the facts and Evidence of Constitutional Violation and Human and Civil Rights stand without Correction?

ARGUMENT # 6

If our Courts are designated into degrees each with its own duty to better facilitate different types of Legislation. If each Court higher has the power to Correct Judicial errors of the Lower Courts.

If the higher Courts neglect, and fails to consider pleadings of facts - testimonies of transcripts - Court Records of errors - denial of Constitutional Rights.

Have we lost the purpose and intent of the degree in which each Court was intended for?

In Mich. we have two types of Circuit Courts, one is the Court of Claims which Acts MCL 600-6041 that is vested with the exclusive Jurisdiction to hear and determine all Claims against the State.

How the legal question is if a Citizen is mandated to fill his Claims with this Court, that no other Circuit has Jurisdiction?

"Question" Was this Court in Violation of Its own Acts of Power - when it tried to Incorporate the case before it with a companion case pending in Antrim Circuit Court. Naming the three D.N.R. Officers Defendants of Police Brutality.

The Court of Claim was notified that this Civil Suit was to be dismissed on a technical point of a Mediation Panel. "see" Appendix No. G

"Question" Was this Judge of the Court of Claims within Its Rights to use another Court Rulings as an excuse to dismiss his Case?

Two Courts - two Judges - two birds with one stone - to save time and expense?

Does this type of Justice to a Citizen in Pro-se to wipe out all Litigation in our Courts without the First - 6th and 7th Amendment of our Constitutional Rights? Does this type of Litigation in our Courts help to explain the

magnitude of this 4th Power of Government known in Mich. as the Dept. of Natural Resource?

No Citizen should be subjected to the Brutal Beating by Officer of the Law, before or after Arrest and then be denied to expose the truths in our Courts.

"Note" Appendix # 6 the dismissal of this suit in the Court of Claims after two years of no progress and the attempt to Consolidate.

Does this type of Juridical Injustice entitle a Citizen to his constitutional Rights of a Trial by Jury?

Should this Issue be Demanded back to a Court, and a District that is not under the Political Pressure of this Dept. of State?

does Judge Gidding sound like a Fair and Impartial Judge?

Does his Opinion read like a man who Wears the Robs of Justice? To uphold the Judiciary System? A Judge who should always be aware the

Judiciary is for the benefit of the Litigant and the Public? Or swayed by Partisan Interest? To dispose promptly of the business of the Court?

Should this Judges Ruling be accepted as due Process of Law?

Should his Opinion be Reversed and Constitutional privileges be restored?

ARGUMENT # 8

Question = Can two Courts = Two Judges with litigation on the Same subject conspire to Consolidate using the Opinion of one Court to dismiss Litigation in the other?

Does the Court of Claims where a Citizen is Mandated to file All Claims against the State, or any Dept. of State, have the Authority to transfer its Civil Action to another Circuit Court?

When is became known that Antrim County Circuit Court was disposing of its Case after over two years of no progress of any kind, by a Mediation panel on a technical point?

Court of Claims Case No. 84-9488-NO was filed on Aug 8th, 1984 naming the Mich. Dept. of Natural Resource and Its Co Partners Tempotech Inc. in Conspiring to Defraud, the people of the State in harvesting and selling our Protected Game fish by the Hundred of tons, and using D.N.R. Officers to Arrest any

fisherman that dared to take one of these Salmon.

It also was to prove that the D.N.R. had used its Officers to "get me" as one of the Officers expressed himself, when he called over his mike for the other eleven Officers to come in and that they had me pinned down at the Old Logging Bridge.

The Civil Action in Antrim Circuit Court Case No. 84-3578-NO. Was filed in Aug. 1984 naming Three D.N.R. Officers who Arrested without Probable Cause - Confiscated Legal fishing gear that had never been used in any Violation - detained us for over an Hour - By Blocking the Road with two D.N.R. trucks, used this time to harass and Brutally beat this Citizen and was taken to Jail without Maranda Rights.

These are the two Cases that was ordered Consolidated.

Where does this desire and determination by Bias Judges come from? To eliminate all Ave.'s, to deny and deprive a Citizen of his Constitutional Rights of trial by Jury? To seal forever the testimony of nine Witnesses who stood by and saw this Brutal Assault of a planned Reprisal on a Citizen who dared to expose Corruption in our Courts.

Is it the Millions derived from the Sale of these Salmon each year? That cannot be exposed in our Courts?

Is it the Millions that have never been Accounted for that my Records could expose? That Judges will not allow to be heard before a Jury?

The Courts Records and Opinions to Consolidate to save time and expense as Judge Giddings expressed himself, are listed as Appendix E.

APPENDIX # A ATTORNEY GENERAL OPINION OF DEC. 23, 1985.

APPENDIX # B HONORABLE JUDGES'S OF THE MICHIGAN SUPREME COURT AND EXHIBITS OF OPINIONS, AND PLEADINGS.

APPE. IX # C LETTER TO THE STATE ADMINISTRATION OFFICE ON VIOLATION OF PROBATION AND VIOLATION EXPOSED OF THE SECOND AMENDMENT - EXHIBIT OF COURT RECORDS.

APPENDIX # D CONSOLIDATION OF COURT OF CLAIMS AND ANTRIM CIRCUIT COURT. RECORDS AND OPINIONS

APPENDIX # E COURT OF APPEAL OPINION ON POSSESSION OF PROTECT GAME FISH.

APPENDIX # F PAT GAGLIARDI LETTER
TAMPERING WITH COURT RECORDS
THAT THE COURT WOULD NOT
CORRECT, AND WILL NOT CORRECT.
THE VALUE OF THIS FLY ROD AND
REEL IS OVER $200.00.

APPENDIX # G CONSOLIDATION AND OPINION ON
GOVERNMENTAL IMMUNITY RECORDS.

APPENDIX #A

STATE OF MICHIGAN

FRANK J. KELLEY, ATTORNEY GENERAL

FISH AND GAME: SALE OF SALMON AND EGGS FOR COMMERCIAL PURPOSES

NATURAL RESOURCES, DEPARTMENT OF: AUTHORITY TO SELL SALMON AND EGGS FOR COMMERCIAL PURPOSES

The Department of Natural Resources is not authorized by the Legislature to sell salmon and/or eggs taken from the inland waters of the state for commercial purposes.

Opinion No. 6333

The Honorable Mitch Irwin
State Senator
The Capitol
Lansing, Michigan

You have requested my opinion on the following question:

Does the Department of Natural Resources have lawful authority to enter into contracts with private entrepreneurs selling to the entrepreneurs coho and chinook salmon and/or eggs taken from the inland waters of the state?

The Department of Management and Budget in 1983 entered, on behalf of the Department of Natural Resources, into a ten-year contract with a private

corporation selling to the corporation salmon carcasses and/or eggs removed from the inland waters of the state. The proceeds from these sales are deposited in the fish and game protection fund. The contract further requires the corporation to provide certain services to the state, including the operation of state-owned harvest weirs for the purpose of harvesting and removing salmon in accordance with the conditions and specifications contained therein. The Department of Natural Resources advises that approximately 1.8 million pounds of salmon...

The salmon and/or eggs which are the subject of the contract are the property of the State of Michigan. People v Soule, 238 Mich 130, 139; 213 NW 195 (1927); Department of Natural Resources v Seaman, 396 Mich 299, 311; 240 NW2d 206 (1976).

The Michigan Sportsmen Fishing Law,

MCL 310.2; MSA 13.1592 provides, in part:

> "All fish found in any of the inland waters of this state are hereby declared to be the property of the State of Michigan and may only be taken at such time and in such manner as hereinafter provided."

MCL 301.3; MSA 13.1592 defines, for the purpose of the Michigan Sportsmen Fishing Law, the inland waters of the state to be all waters except the Saginaw River, lakes Michigan, Superior, Huron and Erie and the bays connecting waters between the lakes. The salmon and/or eggs sold are harvested from the inland waters of the State of Michigan.

State ownership of the fish is further set forth under the Commercial fishing Law of 1929, MCL 308.1; MSA 13.1491, which is a comparable provision to MCL 301.2; MSA 13.1592 found in the Michigan Sportsmen Fishing Law, and provides, in part:

"All fish of whatever kind found in the waters oflakes Michigan, Huron and Erie, commonly known as the Great Lakes, and the bays thereof and the connecting waters between the lakes within the jurisdiction of this state, shall be, and are declared to be, the property of the state and the taking thereof, is declared to be a privilege.. All fish in such waters shall be taken, transported, sold and possessed only in accordance with the provisions of this act."

State ownership of the fish, however, does not carry with it all the incidents of absolute ownership in that the State holds the property in trust. In Michigan United Conservation Clubs v Anthony, 90 Mich App 99, 106; 280 NW2d 883 (1979), the Court held that "(i)n essence ... the fish are held in trust for all the people of the state in their collective capacity."

Thus, in holding the fish in trust for the people of the State of Michigan, the appropriate administrative agency, here

being the Department of Natural Resources, would be entitled to take actions with respect to the property only in accordance with the interests of the people of the State of Michigan and in accordance with express legislative authorization.

No power to engage in the business of selling salmon carcasses and/or eggs has been expressly conferred upon the Department of Natural Resources. The Michigan Sportsmen Fishing Law does provide a very limited instance in which the Department of Natural Resources may sell fish harvested from the inland waters of the State of Michigan. MCL 305.9; MSA 13.1631 provides, in part:

> "The director of conservation may cause to be taken from the inland waters of this state, whitefish or any other species of fish for the purpose of obtaining spawn for fish culture or scientific investigation, and all fish so

taken shall be taken under the supervision of a deputy of the department duly appointed for that purpose, and fish so taken may be sold to pay the expense of taking same ... " MCL 305.9; MSA 13.1631

It is noted that all the powers, duties and functions of the director of conservation were transferred by a type II transfer to the Department of Natural Resources. MCL 16.353; MSA 3.29(253).

Although other portions of 305.9; MSA 13.1631 have been amended, this provision has not changed nor the limited authority expanded since original passage in 1929. Had the legislature intended to confer authority broad enough to authorize the Department of Natural Resources to engage in the business of selling salmon carcasses and/or eggs harvested in inland waters of the state, it would have so provided. The Legislature granted the Department of Natural Resources the very limited authority to sell fish taken for the purpose of obtaining spawn for fish culture or

scientific investigation solely to pay for the expenses of obtaining spawn for fish culture or scientific investigation. Clearly, the Legislature contemplated a small number of fish to be taken for these limited purposes. The intent of the Legislature was not to authorize the sale of large quantities of fish for commercial purposes. No other sales of fish by the Department of Natural Resources have been authorized.

A comparable provision of the Commercial Fishing Law of 1929 involving fish taken from the Great Lakes limits the authority of the Department of Natural Resources to sell fish taken from the waters of the Great Lakes in carefully prescribed circumstances. MCL 308.10; MSA 13.1501, provides:

> "It shall be unlawful for the director of conservation to take fish in any manner, in any of the waters mentioned in this act, at any and all seasons of the year, <u>for the purpose of fish culture and scientific investigation</u>; to have and to hold ripe and

spawn therefrom; to sell all such ripe and unripe fish; and to devote the proceeds of such sales exclusively toward defraying the expenses incurred taking such fish and fertilizing and planting the spawn therefrom." (Emphasis added.)

This section has not been amended and the limited authority conferred therein has not been expanded since original passage in 1929 or as part of the legislative oversight of the introduction of salmon into the Great Lakes.

Neither MCL 305.9; MSA 13.1631 nor MCL 308.10; MSA 13.1501 confer authority to sell fish eggs.

The Department of Natural Resources was created by the Legislature by the enactment of 1921 PA 17; MCL 299.1 et seq; MSA 13.1 et seq; and MCL 16.350 et seq; MSA 3.29(250) et seq. Since the Department is a creature of the Legislature, the legislative authority in

MCL 308.10 and MSA 13.1501, delineates the authority of the Department to sell fish. OAG, 1983-1984, NO 254, p 402, 404 (Nov 8, 1984) states:

> "Where the Legislature establishes an agency and delineates its powers in a particular field, powers not conferred are deemed to be withheld. Further, when a statute grants powers of an agency and specifies the mode of their exercise, that mode must be followed. Sebewaing Industries, Inc. v Village of Sebewaing, 337 Mich 530, 545-60 [illegible] 444 (1953).

> "It is a general principal of statutory construction that inclusion of a thing by specific mention excludes that which is not mentioned, expressio unius est exclusio alterius. Stowers v Wolodzko, 386 Mich 119, 133; 191 NW2d 355 (1971). Sebewaing Industries Inc., supra; VanEtten v Manufacturers National Bank of Detroit, 119 Mich App 277, 287; 326 NW2d 479 (1982); In Re Vellenga Estate, 120 Mich app 699, 703; 327 NW2d 340 (1982), lv den, 418 Mich 874 (1983); OAG, 1981-1982, No 6088, p 700, 703 (July 30, 1982)."

It is abundantly clear that the harvesting of salmon in quantities exceeding a million pounds per year and marketing salmon is not for the purpose of obtaining spawn for fish culture or for scientific investigation.

In the absence of legislative authority for the general sale of salmon carcasses and eggs, it must be concluded and it is my opinion that the Department of Natural Resources is not authorized to sell salmon and/or eggs taken from the inland waters of the state for commercial purposes.

(signature)

Frank Kelley Attorney General

Appendix B

AT A SESSION OF THE SUPREME COURT OF THE STATE OF MICHIGAN, Held at the Supreme Court Room, in the City of Lansing, on the 28th day of September in the year of our Lord one thousand nine hundred and eighty-seven.

Present the Honorable
DOROTHY COMSTOCK RILEY,
Chief Justice
CHARLES L. LEVIN,
JAMES H. BRICKLEY,
MICHAEL F. CAVANAGH,
PATRICIA J. BOYLE,
DENNIS W. ARCHER,
ROBERT P. GRIFFIN,
Associate Justices

80945

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ARTHUR DORWIN GEORGE,

Defendant-Appellant.

SC: 80945
CoA: 95691
LC: 82-2041-FY

On order of the Court, the delayed application in propria persona for leave to appeal is considered, and it is DENIED, because we are not persuaded that the question presented should be reviewed by this Court.

0922

Appendix B

AT A SESSION OF THE SUPREME COURT OF THE STATE OF MICHIGAN, Held at the Supreme Court Room, in the City of Lansing, on the 30th day of December in the year of our Lord one thousand nine hundred and eighty-seven.

80945(26)

Present the Honorable
DOROTHY COMSTOCK RILEY,
Chief Justice
CHARLES L. LEVIN,
JAMES H. BRICKLEY,
MICHAEL F. CAVANAGH,
PATRICIA J. BOYLE,
DENNIS W. ARCHER,
ROBERT P. GRIFFIN,
Associate Justices

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ARTHUR DORWIN GEORGE,

Defendant-Appellant.

SC: 80945
COA: 95691
LC: 82-2041-FY

On order of the Court, the motion for reconsideration of this Court's order of September 28, 1987 is considered, and it is DENIED, because it does not appear that the order was entered erroneously.

1222

STATE OF MICHIGAN—ss.

I, CORBIN R. DAVIS, Clerk of the Supreme Court of the State of Michigan, do hereby certify that the foregoing is a true and correct copy of an order entered in said court in said cause; that I have compared the same with the original, and that is a true transcript therefrom, and the whole of said original order.

SEAL OF THE SUPREME COURT OF MICHIGAN LANSING

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Supreme Court at Lansing, this 30th day of December in the year of our Lord one thousand nine hundred and eighty-seven.

Jacqueline B. MacKinnon Deputy Clerk.

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APPENDIX # B

STATE OF MICHIGAN

IN THE MICHIGAN SUPREME COURT

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

vs. File No. 80945

ARTHUR D. GEORGE,

Defendant

_____/

MOTION FOR RECONSIDERATION

Now comes the above named Defendant, pursuant to MCR 7.313(E), moves the Court for reconsideration as follows:

1. There is no question that the Court erroneously entered its order of September 28, 1987, denying Defendant his constitutional right to be tried by a jury before a fair and impartial judge. Article III, Section 2(3), the trial of all crimes, except impeachment, shall be by jury.

Defendant's trial, a new trial should be ordered:

A. In violation of the first amendment, freedom of the press to expose and make known evidence that was suppressed and denied the jury.

B. The judicial errors and the conduct of the Court, the disrespect for proper enforcement of laws by the DNR officers.

C. The failure of all the Courts to take time to read, compare and judge in fairness to cause son years of judicial litigation that used many valuable man hours and cost the tax payers into the thousands.

D. Please have someone research the complaint that defendant was charged with and falsely arrested for. The sole evidence of "presuming" of a violation that after two hours of observation by two DNR officers failed to find any violation. They just presumed.

E. Now read and consider the same arrest, identical in every respect, by the DNR officer that arrested Defendant on the Jordan River on September 26, 1982, that was tried on the 90th District Court for the County of Charlevoix before the Honorable Judge Harvey Varnum. See Opinion dated September 5, 1985 which has been filed in this matter.

F. The case in Antrim County that caused over six years of judicial procedure of hell in our courts, from the District Court to the Supreme Court, from the State Courts to the United States Court of Appeals 6th Circuit at Cincinnati, Ohio, Docket NO. 87-1823.

G. The case in Charlevoix County before a fair and impartial judge and prosecuting attorney that rule by the law, no presuming,

who demanded evidence of a law violation before prosecuting.

H. This case comparison was included in my appeal but was not read or considered. See Exhibit No. 6, Case #84-2390-M dated September 5, 1985.

I. The question before the Supreme Court should be which case supercedes. One case took twenty minutes and the other six years. On September 26, 1982, eight months after the court session, the DNR and Tempotech sent twelve officers to the Jordan River where I fish to teach defendant a lesson not to throw a monkey wrench into this smooth running multi-million dollar partnership.

The lesson these officers gave Defendant is one that he has been paying and will continue to pay the rest of his life. See doctor and hospital records and Exhibit No. 4.

J. One of the questions before this Court is if judges can deny, supress, use and misuse the judicial system to their own discretion of becoming judge and jury without the jury. Where do we turn for our constitutional rights?

K. Why was Defendant denied in our courts of justice to be heard? This question will never be resolved if judges are allowed to deny jury trials.

L. If the judges of the Supreme Court do not care about human rights and the welfare of a 78-year-old man, they should care about the integrity of the judicial system.

M. Let Defendant list what he can prove by Court records, transcripts, testimony and exhibits. But the violation by court officials can only be proven when they are under oath. If judges deny trial by jury how can you question under oath?

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dollar partnership.

The lesson these officers gave Defendant is one that he has been paying and will continue to pay the rest of his life. See doctor and hospital records and Exhibit No. 4.

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K. Why was Defendant denied in our Courts of Justice to be heard? This question will never be resolved if Judges are allowed to deny Jury trials.

L. If the Judges of the Supreme Court do not care about human rights and the welfare of a seventy-eight year old man, they should care about the integrity of the Judicial System.

M. Let Defendant list what he can prove by Court records, transcripts, testimony and exhibits. But the violation by Court Officials can only be proven when they are under oath. If Judges deny trial by jury how can you question under oath?

N. Defendant would demand of the Court to show records of what violation Defendant was arrested for.

O. Defendant would demand of Officials to show what authority they have to stop and detain for two hours after issuing a Court Summons to appear on a misdemeanor.

P. The authority of an Officer to harass after Defendant had accepted his summons and had refused Defendant the open road.

Q. This authority to arrest then to become the Judge, Jury and the executioner as he saw fit for a man that would attempt to take one of Tempotech's fish that they were harvesting illegally by the tons down river a

few miles and were suppose to pay the State 2 1/2 cents per pound for.

R. Defendant would demand his right to assault with the intent to do great bodily harm which Defendant has never in our Court of Justice had the privilege to expose by denial of jury by eight Judges.

S. Defendant would demand to be shown the authority to confiscate legal fishing gear that never was used to catch a legal or illegal fish. Four officers watched and observed Defendant fishing for two hours and testified that no fish were caught.

T. Defendant would ask does an Officer of the Law have the authority to tamper with Court records, to confiscate two hand crafted ten foot fly rods so stated on Defendant's ticket then change the Court records to one.

U. Defendant would challenge the authority of a D.N.R. Officer who had no knowledge of any violation drive up and put you

under arrest, take you to jail without your miranda rights.

V. With the freedom of the press, I would demand the Court to produce the charge or the complaint that Defendant was prosecuted for. It cannot be produced because their never was one.

W. Defendant would challenge the Court to their authority to suppress, deny the jury, the press and the Court of Appeal. Yes, the Supreme Court to tell the story of this brutal beating of a seventy-eight year old man that by records show was no violation of law.

X. With the freedom of the press to expose to the jury all those injustices that can only be proven when these Officers and Officials are questioned under oath.

Y. This is exactly what eight Judges have denied Defendant, a trial by jury.

Z. This, your honorable Judges of our State's highest Court, is what you have

condoned, upheld and the only conclusion that justifies this order is that you all failed to read and consider the facts, the violations of the laws committed, the human rights of a great-great-grandfather who no one can deny has an honorable upright name to uphold. You have denied Defendant the privilege and courtesy that he asked you for, to stand at the podium before you to answer any question you choose to ask and there to be judged.

This plea for Defendant's Constitutional right is respectfully submitted.

Dated: 10/14/87

ARTHUR D. GEORGE
In Pro Per

STATE OF MICHIGAN)
) ss.
COUNTY OF EMMET)

Subscribed and sworn to before me this 14th day of October, 1987.

Linda Parker, Notary Public
Emmet County, Michigan
My commission expires: 6/2/90

APPENDIX # C

STATE OF MICHIGAN 13th CIRCUIT COURT	PETITION AND ORDER TO SHOW CAUSE	CASE NO. 82-2041 Antrim

328 Washington Street, Courthouse- 2nd Floor, Traverse City, MI 49684 922-4790

People of the State of Michigan

v

Arthur Dorwin GEORGE

TO: Arthur Dorwin George

IT IS ORDERED that:

1. You appear on 9-15-86 at 9:15 a.m. the Court located at Antrim County Building, Bellaire

2. You show cause why your probation should not be revoked for the following reasons:

Count 1: Violation of Condition #4 which states that he pay $300-fine and $300-costs.

You have not paid anything toward your fine and costs.

Failure to appear as directed above may result in a bench warrant being issued for your arrest.

3/21/86

APPENDIX # C

September 29, 1986

Ms. Carol A. Leite
Probation Officer
Antrim County Circuit Court
328 Washington Street
Traverse City, Michigan 49684

Dear Ms. Leite:

Enclosed is my notice of intention to appeal not only Judge Brown's refusal for a new trial, but also to have clarified just what my probation consisted of.

I want, need and am entitled to word for word Judge Brown's complete sentence on December 20, 1984. I lived by his ruling to the very exact words because I realized what the Judge could do if I failed to comply with his mandate.

Let me be very frank with you. I was shocked when your office provided me with the probation clauses that your files showed.

Now, the request that I make to you, your office and the Court is all the same. Please send me this information.

Respectfully,

Arthur C. George

The Records I wanted is Judge Brown's mandated demand that I was instructed to dispose of guns in our home - including an Antique Gun Collection worth thousands. But, when the Court Administrative Office investigated this Second Amendment Violation the court deleted it from the Records.

APPENDIX # C

STATE OF MICHIGAN 13TH CIRCUIT COURT	PETITION FOR DISCHARGE FOR PROBATION	CASE NO 82-2041 Antrim

328 Washington Street, Courthouse-2nd Floor,

Traverse City, MI 49684 922-4790

THE PEOPLE OF THE STATE OF MICHIGAN v GEORGE, Arthur Dorwin
4719 Brubaker Road
Petoskey, MI 49770
616-347-7505

Honorable William R. Brown 12/17/84

Resist & Obstruct a Police Officer 24 months

The undersigned probation officer respectfully petitions this court to discharge the probationer from probation for the following reasons:

Further supervison is felt to be of no benefit. It is recommended that the defendant be discharged from probation without improvement.

It is further recommended that unpaid court assessments be set aside.

10/01/86

ORDER OF PROBATION DISCHARGE

IT IS ORDERED that probationer is discharged from probation supervision and any unfulfilled obligations or conditions of the sentence imposed by this Court are suspended.

IT IS ORDERED that the plea or finding of guilt under the Public Health Code is set aside and the case is dismissed. The records of Arrest and discharge or dismissal in this case shall be retained as a non-public record according to law.

IT IS ORDERED that the status of Youthful Trainee be terminated under the Holmes Youthful Trainee Act and the case be dismissed. The Record of Arrest and discharge or dismissal in this case shall be retained as a non-public record according to the law.

1/2 86

ORDER OF PROBATION DISCHARGE (page 3)

My Reply and Request to this order, This Youthful Trainee is only 82 years old.

This is Case no 82-2041-FY, Charge Obstruction & Resisting in Antrim Circuit Court. Does this order dismiss the Charge of Resisting and Obstructing?

P.S. This letter was never answered.

ARGUMENT # 7 Appendix C

If this order to dismiss is as confusing as the conviction of Resisting & Obstructing By a confused Jury that was denied to hear witnesses to testify to the Brutal Beating.

What is the real meaning? Did this Judge and his Court over Rule a Jury decision? Do I still stand as a Convicted Criminal on a Felony Charge?

Does this Judge and his Court understand the 6 years of Hell this Old Citizen has undergone, two times to the Court of Appeals - two times to the Mich. Supreme Court and now a Writ to the U.S. Supreme Court.

If this Judge found he was so wrong in his conclusion in this Issue and so forgiving. Would He be willing to forgive he denied a New Trial, and grant one?

What is his true meaning he denied this Citizen so many Constitutional Rights.? Now he wants the records retained or denied to the Public, "According to the Law."

APPENDIX # D

HOUSE OF REPRESENTATIVES

LANSING, MICHIGAN

107TH DISTRICT
PAT GAGLIARDI
STATE REPRESENTATIVE
LANSING, MICHIGAN 48909
PHONE: (517) 373-2629

June 24, 1983

Art George
4719 Brubaker Road
Petoskey, Michigan 49770

Dear Art,

Thank you for contacting me with your problem of the discrepancy in the Arresting Officer's records and those of the Court.

It appears that tampering was done with the records, and I am interested in getting to the bottom of this. For this reason, I sent your letter and the copy of the records to our research staff to see what can be done in a situation like this and the proper way to go about lodging a complaint against those involved.

I expect to receive a response in about ten days to two weeks, and I will contact you as soon as I hear from the staff person.

Thank you for bringing this matter to my attention. Confiscating a person's valuable property and then "fixing" the records to cover for it is a very serious matter, and I want to find out who is behind this.

Sincerely,

Pat Gagliardi
State Representative
107th District

APPENDIX # D

...NCE-TICKET-COMPLAINT

...E OF THE STATE OF MICHIGAN

...NAMED ABOVE DID (DESCRIBE)

...IN VIOLATION OF

...ZED PROPERTY, DESCRIBE ☐ NONE

...TWO RODS AND REEL

...COURT CLERK

...ST MAKE AN APPEARANCE IN PERSON

...ARREST WILL BE ISSUED BY THE COURT SEE WARNINGS AND

...NS ON THE BACK OF THIS TICKET

...DECLARE UNDER PENALTIES OF PERJURY

...THAT THE STATEMENTS ABOVE ARE TRUE

...TO THE BEST OF MY INFORMATION

...KNOWLEDGE AND BELIEF

...SIGNATURE AND DATE

...COURT COPY

...PRESS — YOU ARE MAKING THREE COPIES

AE - UNDERSIGNED - BEING - DULY - SWORN - ☐ STATES
HAT OR, OR ☐ HAS REASONABLE CAUSE TO BELIEVE
HAT ON OR ABOUT: SUN
3-26-82 AT OR NEAR

09:26:82

ARTHUR DARWIN COOKE

4919 SCHOOLCRAFT RD

PORTAGE MI 49130

M 620 071 148 249

M4 03-29-05

PLOYED

E PERSON NAMED ABOVE DID (DESCRIBE)

ATTEMPT TO SNAG SALMON

IN VIOLATION OF

1. STATE LAW, OR ☐ 2. LOCAL ORDINANCE, OR ☐ 3. ADMINISTRATIVE RULE;

1.

OR NEAR TORCH RIVER - LOGANS BRG

THIN ☐ CITY ☐ VILLAGE ☐ TOWNSHIP OF Custer

UNTY OF ANTRIM

ZED PROPERTY, DESCRIBE ☐ NONE

TWO - 10 1/2' HEXLOCEN NETS

ONE RODS AND REELS

ES FEE ☐ 1. FISH ☐ 2. BIG GAME ☐ 3. FUR BEARER ☐ 4. WATERFOWL
☐ 5. NON-GAME BIRD ☐ 6. SMALL GAME ☐ 7. OTHER

CLERK 24 OFFICER JOHN P. CLINE NO. 6998500

OU MUST MAKE AN APPEARANCE IN PERSON

WITHIN 5 DAYS AT 8:00 A.M. ON 4-6-82

TRACT COUNTIES ☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☐ 8. ☐ 9. ☐ 10.

ANSWER TO THIS COURT AT 231 E. GRAND TRAVERSE, GAYLORD, MI 49735 OR PHONE 731-3310-607

OU FAIL TO MAKE THIS APPEARANCE AS ORDERED A WARRANT

AY YOUR ARREST WILL BE ISSUED. SEE THE COURT SEE WARNINGS AND

TRUCTIONS ON THE BACK OF THIS TICKET

I DECLARE UNDER PENALTIES OF PERJURY
THAT THE STATEMENTS ABOVE ARE TRUE
TO THE BEST OF MY INFORMATION
KNOWLEDGE AND BELIEF 03/27/82

ER'S OR COMPLAINANT'S SIGNATURE

ORE ME THIS DATE SWORN TO AND
SCRIBED 3-27-82

Penny Mayfield
NOTARY PUBLIC

John P. Cline
SIGNATURE AND DATE

MARKS:

COURT COPY

PRESS — YOU ARE MAKING THREE COPIES

APPENDIX D

State of Michigan
In the Court of Claims

Arthur D. George — Plaintiff
-vs-
The State of Michigan
Dept. of Natural Resources — Defendants

Docket No. 84-9488-NO

OPINION

Before the Court is a Motion for Summary Disposition filed by Defendant D.N.R. pursuant to M.C.R. 2.116 (C) (7) and (8).

This action against the Dept. arises from an incident which occurred on Sept. 26, 1982.

The Plaintiff was arrested for attempting to snag a Salmon.

Subsequently the Plaintiff instituted this Law Suit against the D.N.R.

In response, Defendant assents that Plaintiff claim is Barred because of immunity and because Plaintiff has failed to state a proper cause of action.

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The Court agrees. - That there was no wrong doing by the D.N.K. Officers and they were lugged in the exercise of a Governmental function.

The Plaintiff was arrested and taken to imprisonment.

The Court agrees that there was no intentional Acts of the Officers, and the State is immune pursuant to Statute and Ross -v- Consumers Power Co. 420 Mich. 567-363-N.W. 2d-641 (1984).

Even if the Offices were exceeding their Authority. The State would not be liable for such intentional conduct as it would be in excess of their Authority. This Court holds that the State is Immune from Liability under Claims brought pursuant to 42-USC (1983).

The Court fails to find any existence of conspiracy and no proper cause for action under the Federal Civil Rights Act.

The State is immune from Liability for Acts of employees which exceeds the people of their Authority, and no cause for Action under 42-NSC. (1985).

The Claim of false imprisonment must be dismissed simply because the Plaintiff was Arrested and Convicted.

This Claim is barred by the one year limitation provided in 42-NSC. (1986).

Based on foregoing Defendant's Motion for Summary Disposition must be granted and the court will execute an order so providing.

James R. Giddings

Circuit Judge

Dated August 25, 1986

APPENDIX # F

STATE OF MICHIGAN

IN THE COURT OF CLAIMS

Arthur D. George

Plaintiff

-vs- Docket No. 84-9488-NO

State of Michigan Opinion

Dept. of Natural Resource

Defendants dated Aug. 25, 1986

Judge Gidding Opinion in part, after he failed to consolidate this case with Antrim Circuit Court Mediation panel.

A. Judge Gidding claims that I am barred by immunity because I did not have proper cause of action.

B. Claim no wrong doing by the Officer's including Assault & Battery and their was no false imprisonment. And no deprivation of his Constitutional Rights. And that false Imprisonment cannot be proven.

C. Judge Gidding Claims the State is immune to the Acts of their Officers in Assault and Battery - even if the Officers were exceeding their Authority.

D. He Claims the state is immune from Liability under 42 N.S.C. 1983 and that the State is immune from Liability for Acts' of employees which exceed the scope of their Authority. And he sites Ross v Consumers Power Co. 420 - Mich. 567; - 363 NW 641 1984. Even if the Officers were exceeding their Authority the Dept. would not be liable for such intentional conduct as it would be in excess of their Authority.

E. Judge Gidding holds that the state is immune from liability under 42 NSC 1983.

F. He also claims that the Attorney General Opinion #6333 did not show Conspiracy in harvesting and selling Mich. Protected Game fish, and no proper cause for Action under

the Federal Civil Rights Act. and that the State is immune from liability for Acts of employees which exceed the scope of their Authority and that their is no cause for Action under 42 - N.S.C. 1985.

G. Judge Gidding also claims their was no cause for Action against the State and that the Case is barred in the one year Limitation proved in 42 - N.S.C. 1986.

H. Summary Disposition must be granted and the Court will execute an order so Providing.

James R. Gidding

Circuit Judge

CONCLUSION TO THIS OPINION

In Conclusion to this Opinion Plaintiff makes these following Questions.

1 This Court Refused action on this Case for over two years.

Then tried to consolerate this case with its companion case in Antrim County Circuit Court that was dismissed by a Mediation Panel.

The Court of Claims used a 1986 Ruling of Ross -v- Consumers Power Co. to Rule on a Case filed in 1984.

Did this Court read the last line in Governmental Immunity M.C.R. 2.111 (F). (2) (3).

The Defence of Governmental Immunity must be Raised in First Responsive Pleading. - - If not that Defense is Waived.

APPENDIX # E

100 Mich. App. 122

People -v- Burit

Docket No. 45714 Grand Rapids Sept. 15, 1980

Opinion of the Court

Fish and Fisheries - Ferae Naturae - Property of the State - Personal Property - Taking of Fish

Fish are considered to be Ferae Naturae and Property of the State until taken.

Taking denotes the exertion of such Control over the fish that they can be said to come into a persons possession.

A Person cannot obtain an interest or Property Rights in any Ferae Naturae until it has been taken into his own keeping and has been subjected to his Control.

Furthermore a close reading of the Mich. Cases discloses that the word take was not construed or even used. The key word is Capture, or Control.

Thus attemp to take a fish is not in Violation.

CONCLUSION

I am a tired Old man of 84 years. The wife of 66 years, and I have been denied over six of our golden years. By the VENGIANCE of Reprisal for exposing Corruption and Conspiracy to defraud our State of millions each year. By the Mich. Dept. of Natural Resource and Its Co-partner Tempotech Inc. By weiring - selling our Protected Game fish by the Tons each year.

The Conspiracy to use D.N.R. Law enforcement Officers to protect these fish from the fisherman, and sell them to their Co-partners for 2 1/2 cents per pound.

I have fought this injustice for years and shall continue, until the day we in Mich. are granted a Federal Grand Jury. That will reveal where the Millions of unaccountable dollars has found its home. And will reveal where the Millions of pounds of Salmon that was in Cold - Storage at the time of our Attorney General Opinion # 6333 of Dec. 23, 1985.

When he Ruled that these fish were the Property of the State, and had been Illegally taken by the D.N.R. and Its Co-partners Tempotech for years.

I have fought one of the most powerful Dept. of State that has over 30 plus Assistance Attorney General at their disposal.

I have found Resistance to expose in some of our Courts, and Judges that without the enforcement of our Constitutional Amendments, no one regardless who you are cannot equal.

We do know that this Corruption, and Conspiracy will have to be exposed. It is beginning to smell like spoiled fish.

All the States and Canada that compose the Great Lakes Fisherie Commission took action this spring at their Annual meeting, and denied Mich. D.N.R. to have any Voice in the Policy making this year.

They to resent the harvesting and selling of these Protected Game fish, that they Encourage and make available to their people and sportsmen.

Michigan D.N.R. is the only State that denies this sharing of a eatable Resource that is only available to the Rich and Poor alike when they return to spawn and die in our rivers and streams.

This is what this Writ is all about Equality - Denial to be treated equal.

I would be the Proudest Citizen ever to enter the Chamber of the United States Supreme Court to Plead Equality for my fellow men.

Arthur D. George in Pro-se

4719 George Rd. Petoskey, MI. 49770

I do Certify that two copies of this Writ has been served by Certified Mail to the Attorney General at 525 Ottawa St. Lansing, MI. 48913.